



General Assembly

**Substitute Bill No. 1341**

January Session, 2007

\* SB01341PD 042307 \*

**AN ACT CONCERNING APPLICATION FOR A CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY AND PROTECTING  
PUBLIC WATER SUPPLIES FROM CONTAMINATION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-262m of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) As used in this section and section 8-25a, "water company"  
4 means a corporation, company, association, joint stock association,  
5 partnership, municipality, state agency, other entity or person, or  
6 lessee thereof, owning, leasing, maintaining, operating, managing or  
7 controlling any pond, lake, reservoir, stream, well or distributing plant  
8 or system employed for the purpose of supplying water to fifteen or  
9 more service connections or twenty-five or more persons [on a regular  
10 basis] for at least sixty days in any one year.

11 (b) No water company may begin the construction of a water supply  
12 system for the purpose of supplying water to fifteen or more service  
13 connections or twenty-five or more persons for at least sixty days in  
14 any one year, and no [water company] person or entity, except a water  
15 company supplying more than two hundred fifty service connections  
16 or one thousand persons, may begin expansion of such a water supply  
17 system, without having first obtained a certificate of public  
18 convenience and necessity. [for the construction or expansion from the

19 Department of Public Utility Control and the Department of Public  
20 Health. An]

21 (c) For systems serving twenty-five or more residents, an  
22 application for a certificate of public convenience and necessity shall  
23 be on a form prescribed by the Department of Public Utility Control, in  
24 consultation with the Department of Public Health, and accompanied  
25 by a copy of the water company's construction or expansion plans and  
26 a fee of one hundred dollars. The departments shall issue a certificate  
27 to an applicant upon determining, to their satisfaction, that (1) no  
28 [feasible] interconnection is feasible with [an existing system is  
29 available to the applicant] a water system owned by, or made available  
30 through arrangement with, the provider for the exclusive service area,  
31 as determined pursuant to section 25-33g or with another existing  
32 water system where no exclusive service area has been assigned, (2)  
33 the applicant will complete the construction or expansion in  
34 accordance with engineering standards established by regulation by  
35 the Department of Public Utility Control for water supply systems, (3)  
36 [the applicant has the financial, managerial and technical resources to  
37 operate the proposed water supply system in a reliable and efficient  
38 manner and to provide continuous adequate service to consumers  
39 served by the system] ownership of the system will be assigned to the  
40 provider for the exclusive service area, as determined pursuant to  
41 section 25-33g, (4) the proposed construction or expansion will not  
42 result in a duplication of water service in the applicable service area,  
43 and (5) the applicant meets all federal and state standards for water  
44 supply systems. [ provided subdivisions (1) and (4) of this subsection  
45 shall not apply to any water supply system (A) owned and operated or  
46 proposed to be owned and operated, by a municipality, municipal  
47 district or regional water authority, (B) owned by a municipality,  
48 municipal district or regional water authority and operated, or  
49 proposed to be operated, on its behalf by an operator that has obtained  
50 all required certifications from the Department of Public Health,  
51 including but not limited to certifications required by regulations  
52 established pursuant to section 25-32, or (C) owned or operated by a

53 nonprofit corporation on behalf of one or more municipalities for the  
54 purpose of providing water service to an elderly housing project which  
55 has obtained all required certifications from the Department of Public  
56 Health, including but not limited to certifications required by  
57 regulations established pursuant to section 25-32. Nothing in this  
58 section shall prevent a municipality, municipal district or regional  
59 water authority from voluntarily transferring ownership of a water  
60 supply system to another water company, a municipal public service  
61 company or regional water authority.] Any construction or expansion  
62 with respect to which a certificate is required shall thereafter be built,  
63 maintained and operated in conformity with the certificate and any  
64 terms, limitations or conditions contained therein.

65 [(c)] (d) The Department of Public Utility Control [, in consultation  
66 with] and the Department of Public Health, shall each adopt  
67 regulations, in accordance with the provisions of chapter 54, to carry  
68 out the purposes of subsections (a) to (c), inclusive, of this section.

69 (e) (1) For systems serving twenty-five or more persons, but not  
70 twenty-five or more residents, at least sixty days in any one year an  
71 application for a certificate of public convenience and necessity shall  
72 be on a form prescribed by the Department of Public Health and  
73 accompanied by a copy of the construction or expansion plans. The  
74 Department of Public Health shall issue a certificate to an applicant  
75 upon determining, to its satisfaction, that (A) no interconnection is  
76 feasible with a water system owned by, or made available through  
77 arrangement with, the provider for the exclusive service area, as  
78 determined pursuant to section 25-33g or with another existing water  
79 system where no existing exclusive service area has been assigned, (B)  
80 the applicant will complete the construction or expansion in  
81 accordance with engineering standards established by regulation for  
82 water supply systems, (C) ownership of the system will be assigned to  
83 the provider for the exclusive service area, as determined pursuant to  
84 section 25-33g, if agreeable to the exclusive service area provider and  
85 the Department of Public Health, or may remain with the applicant, if  
86 agreeable to the Department of Public Health, provided the applicant

87 has the financial, managerial and technical resources to (i) operate the  
88 proposed water supply system in a reliable and efficient manner, and  
89 (ii) provide continuous adequate service to consumers served by the  
90 system, until such time as the water system for the exclusive service  
91 area, as determined by section 25-33g, has made an extension of the  
92 water main, after which the applicant shall obtain service from the  
93 provider for the exclusive service area, (D) the proposed construction  
94 or expansion will not result in a duplication of water service in the  
95 applicable service area, and (E) the applicant meets all federal and  
96 state standards for water supply systems. Any construction or  
97 expansion with respect to which a certificate is required shall  
98 thereafter be built, maintained and operated in conformity with the  
99 certificate and any terms, limitation or conditions contained therein.  
100 Properties held by the Department of Environmental Protection and  
101 used for or in support of fish culture, natural resource conservation or  
102 outdoor recreational purposes shall be exempt from the requirements  
103 of subdivisions (1), (3) and (4) of subsection (c) of this section and  
104 subparagraphs (A), (C) and (D) of subdivision (1) of subsection (e) of  
105 this section.

106 (2) The Department of Public Health shall adopt regulations, in  
107 accordance with the provisions of chapter 54, to carry out the purposes  
108 of this subsection. Such regulations may include measures that  
109 encourage water conservation and proper maintenance.

110 Sec. 2. Subsection (d) of section 19a-36 of the general statutes is  
111 repealed and the following is substituted in lieu thereof (*Effective*  
112 *October 1, 2007*):

113 (d) [Notwithstanding any regulation adopted by the Commissioner  
114 of Public Health for purposes of the Public Health Code, the] The local  
115 director of health may authorize the use of an existing private well,  
116 [or] consistent with all applicable sections of the regulations of  
117 Connecticut state agencies, the installation of a replacement well at a  
118 single-family residential premises [that] on property whose boundary  
119 is located within two hundred feet of an approved community water

120 supply system, measured along a street, alley or easement, where (1) a  
121 premises that is not connected to the public water supply may replace  
122 a well used for domestic purposes if water quality testing is performed  
123 at the time of the installation, and for at least every ten years thereafter,  
124 or for such time as requested by the local director of health, that  
125 demonstrates that the replacement well meets the water quality  
126 standards for private wells established in the Public Health Code, and  
127 provided there is no [connection between the residential water supply  
128 well and the] service to the premises by a public water supply, [and all  
129 other applicable sections of the regulations of Connecticut state  
130 agencies are met,] or (2) a premises served by a public water supply  
131 may utilize or replace an existing well or install a new well solely for  
132 irrigation purposes or other outdoor water uses provided such well is  
133 permanently and physically separated from the internal plumbing  
134 system of the premises and a reduced pressure device is installed to  
135 protect against a cross connection with the public water supply. Upon  
136 a determination by the local director of health that an irrigation well  
137 creates an unacceptable risk of injury to the health or safety of persons  
138 using the water, to the general public, or to any public water supply,  
139 the local director of health may issue an order requiring the immediate  
140 implementation of mitigation measures, up to and including  
141 permanent abandonment of the well, in accordance with the  
142 provisions of the Connecticut Well Drilling Code adopted pursuant to  
143 section 25-128. In the event a cross connection with the public water  
144 system is found, the owner of the system may terminate service to the  
145 premises.

146 Sec. 3. Section 19a-209a of the general statutes is repealed and the  
147 following is substituted in lieu thereof (*Effective October 1, 2007*):

148 The director of health of a town, city, or borough or of a district  
149 health department may issue a permit for the installation or  
150 replacement of a water supply well [on] at residential premises [that  
151 are] on property whose boundary is located within two hundred feet  
152 of an approved community water supply system, measured along a  
153 street, alley or easement, where (1) the water from the water supply

154 well is only used for irrigation or other outside use and is not used for  
155 human consumption, [provided] (2) a reduced pressure device is  
156 installed to protect against a cross connection with the public water  
157 supply, [(2) the well replaces an existing well that was used at the  
158 premises for domestic purposes, or (3) the Department of Public Utility  
159 Control has ordered the community water supply system to reduce the  
160 demand on its system, provided (A)] (3) no connection exists between  
161 the water supply well and the community water system, and [(B)] (4)  
162 the use of the water supply well will not affect the purity or adequacy  
163 of the supply or service to the customers of the community water  
164 supply system. Any well installed pursuant to [subdivision (2) of] this  
165 subsection, except a well used for irrigation, shall be subject to water  
166 quality testing that demonstrates the supply meets the water quality  
167 standards established in section 19a-37 at the time of installation and at  
168 least every ten years thereafter or as requested by the local director of  
169 health. Upon a determination by the local director of health that an  
170 irrigation well creates an unacceptable risk of injury to the health or  
171 safety of persons using the water, to the general public, or to any  
172 public water supply, the local director of health may issue an order  
173 requiring the immediate implementation of mitigation measures, up to  
174 and including permanent abandonment of the well, in accordance with  
175 the provisions of the Connecticut Well Drilling Code adopted pursuant  
176 to section 25-128. In the event a cross connection with the public water  
177 system is found, the owner of the system may terminate service to the  
178 premises.

179 Sec. 4. Subsection (c) of section 19a-37 of the general statutes is  
180 repealed and the following is substituted in lieu thereof (*Effective*  
181 *October 1, 2007*):

182 (c) The Commissioner of Public Health shall adopt regulations, in  
183 accordance with chapter 54, to clarify the criteria under which a well  
184 permit exception may be granted and describe the terms and  
185 conditions that shall be imposed when a well is allowed at a premise  
186 (1) that is connected to a public water supply system, or (2) whose  
187 boundary is located within two hundred feet of an approved

188 community water supply system, measured along a street, alley or  
 189 easement. Such regulations shall [(1)] (A) provide for notification of the  
 190 permit to the public water supplier, [(2)] (B) address the quality of the  
 191 water supplied from the well, the means and extent to which the well  
 192 shall not be interconnected with the public water supply, the need for  
 193 a physical separation, and the installation of a reduced pressure device  
 194 for backflow prevention, the inspection and testing requirements of  
 195 any such reduced pressure device, and [(3)] (C) identify the extent and  
 196 frequency of water quality testing required for the well supply.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2007</i>	16-262m
Sec. 2	<i>October 1, 2007</i>	19a-36(d)
Sec. 3	<i>October 1, 2007</i>	19a-209a
Sec. 4	<i>October 1, 2007</i>	19a-37(c)

**PH**            *Joint Favorable Subst.*

**PD**            *Joint Favorable*